IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

[1] S.B. CRIMINAL MISC. PETITION NO.67/02

Transamerica Apple Distribution Finance Ltd.

Versus

Om Prakash

[2] S.B. CRIMINAL MISC. PETITION NO.35/02

Transamerica Apple Distribution Finance Ltd.

Versus

Maya Dinkar

[3] S.B. CRIMINAL MISC. PETITION NO.36/02

Transamerica Apple Distribution Finance Ltd.

Versus

Lalchand Tondiwal

[4] S.B. CRIMINAL MISC. PETITION NO.37/02

Transamerica Apple Distribution Finance Ltd.

Versus

Patel Ram Meena

[5] S.B. CRIMINAL MISC. PETITION NO.56/02

Transamerica Apple Distribution Finance Ltd.

Versus

Roopchandra Soni

[6] S.B. CRIMINAL MISC. PETITION NO.57/02

Transamerica Apple Distribution Finance Ltd.

Versus

Narender Sharma

[7] S.B. CRIMINAL MISC. PETITION NO.33/02

Transamerica Apple Distribution Finance Ltd.

Versus

Mohan Kumar

DATE OF ORDER :: 07/08/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Ajay Tantia for Mr. R.K. Mathur, for petitioner
Mr. S.Z. Ali for Mr. S.M. Ali, for respondents

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Since all the misc. petitions arise from common judgment dated 24th September, 2001, hence are disposed of by the present order.

Petitioner filed a complaint against the respondents u/s.138 of Negotiable Instruments Act and after statements were recorded, matter was fixed for taking cognizance. On one occasion, the counsel/petitioner could not appear and on account of which complaints were dismissed by learned trial Judge and its restoration was also rejected vide order dated 24th September, 2001.

I have heard both the counsel and perused the order impugned.

This court is of the opinion that learned trial Judge has committed a serious error in dismissing the complaints which were fixed at the stage of taking cognizance and the restoration application was also dismissed without assigning any reason vide order dated 24th September, 2001.

Accordingly, the misc. petitions stand allowed and the orders of learned trial Judge dated 6th January, 2001 and so also 24th September, 2001 are hereby quashed and set aside and the matter is

remanded back to learned trial Judge to proceed further in accordance with law. Complainant-petitioner is directed to appear before learned trial Judge on 10th September, 2007.

[AJAY RASTOGI],J.